

6216 Berlee Drive
Alexandria, VA 22312
June 6, 2005

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JUN 10 2005

FCC - MAILROOM

Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: "CC Docket No. 02-6"

**WAIVER REQUEST for Funding Year 2005 Form 471 Certification
Postmarked Outside of Window**

| | |
|------------------------------|-----------------------------------|
| Applicant Name: | Queen of Apostles Catholic School |
| Billed Entity Number: | 24585 |
| Form 471 Application Number: | 486686 |
| Funding Year: | 2005 |
| Funding Year Period: | 07/01/2005 – 06/30/2006 |

To Whom it May Concern:

This letter is being submitted on behalf of Queen of Apostles Catholic School (Billed Entity Number 24585) to request a waiver with respect to Form 471 for Funding Year 2005 (Application Number 486686). Specifically, we received a letter from the Schools and Libraries Division of the Universal Service Administrative Company ("SLD"), dated April 8, 2005, informing us that the Form 471 Certification was postmarked on February 23, 2005, after the filing window had closed at 11:59pm on Friday, February 18, 2005. A copy of the letter from SLD is included with this submission. We respectfully request that the Federal Communications Commission grant a waiver for the failure to timely file the Form 471 Certification for the reasons discussed below.

The Form 471 Certification was filed late because of confusion over the appropriate filing deadline. I am the person responsible for preparing the E-Rate filings for Queen of Apostles. Queen of Apostles is a small Catholic school in Northern Virginia with approximately 250 students. Because of the schools size, it does not have sufficient administrative staff to prepare and submit the necessary filings and related information in connection with the E-Rate program. Instead, the school has historically relied on a parent volunteer to assume primary responsibility for preparing such documentation. I personally took over assisting with the E-Rate program at the beginning of the 2004-2005 school year in August of 2004. I assumed this role when the prior parent volunteer could no longer continue after moving from the area and enrolling his daughter in a different school near his current home.

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In the present case, the Form 471 Certification was filed late due to a misunderstanding on my part about the appropriate due date. I had just completed the Form 470 the prior month, and done so on-line. (Prior to then, the first couple of filings I completed on behalf of Queen of Apostles were done via mail.) In the case of the Form 470, once the form has been posted on-line, a certification is filed via mail with the authorized signature. Although the Form 470 must be filed by a certain deadline (so as to allow sufficient time before the closing of the deadline for the Form 471), the accompanying certification can be filed thereafter, and need not be prior to the deadline for the actual Form 470.

Unfortunately, I was not aware that the Form 471 apparently has a different procedure. As with the Form 470, my only on-line filing experience, I assumed that I was only required to file the on-line Form 471 by the deadline and then could forward the certification thereafter (as at that point the SLD has all of the relevant information as the certification only contains the authorizing signature). Accordingly, I filed the Form 471 on-line by the February 18th deadline, and then had the certification signed the following week and submitted it to SLD. It is also worth noting that part of the reason we file the certifications by mail, rather than sign on-line using a PIN, is because of my unfamiliarity with the program, as at the time of the filing I did not know the Queen of Apostles PIN Number, or even if such a PIN existed.

In light of the present situation, I respectfully request on behalf of Queen of Apostles a waiver for the failure to postmark the Form 471 Certification by the appropriate deadline. As discussed above, the failure arose from confusion between the procedures for the Form 471 and the Form 470, which is immediately prior to the Form 471. Further, because the Form 471 Certification merely includes the authorizing signature (all of the relevant information having already been submitted on the Form 471), I would hope that this failure did not otherwise affect the availability of the essential information being timely received by SLD pursuant to the on-line filing.

For these reasons, this waiver request has been filed seeking relief from the failure to timely file the Form 471 Certification for Funding Year 2005.

I am the person that can most readily discuss this waiver request if further issues arise or additional information is required. My contact information is as follows:

Michael J. Caballero
6216 Berlee Drive
Alexandria, VA 22312

Email Address: mcaballero@kslaw.com

Home Phone: 703-354-0975
Work Phone: 202-661-7942
Fax: 202-626-3737

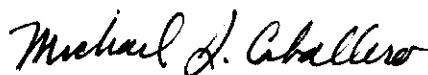
I also request that copies of any correspondence on this matter also be sent to the principal of Queen of Apostles. Her contact information is as follows:

Mary West
Principal
Queen of Apostles Catholic School
4409 Sano Street
Alexandria, VA 22312
Email Address: gofak8@bellatlantic.net

School Phone: 703-354-0714
School Fax: 703-354-1820


Thank you for your consideration of this waiver request and please contact me if there is anything I can do to assist in the resolution of this matter.

Respectfully Submitted,



Michael J. Caballero

Signature of Authorized Person:


Mary L. West, Principal
Date

Attachment:

SLD Letter, dated April 8, 2005



Universal Service Administrative Company
Schools & Libraries Division

**FUNDING YEAR 2005 FORM 471 CERTIFICATION
POSTMARKED OUTSIDE OF WINDOW**

April 8, 2005

Mary West
QUEEN OF APOSTLES SCHOOL
4409 SANO ST
ALEXANDRIA, VA 22312-1555

Re: Applicant's Form Identifier: A
Form 471 Application Number: 486686

Dear Mary West:

We are sending this letter to thank you for your recent Form 471 application. Your Form 471 Certification was postmarked on 02/23/2005, which is AFTER the 2005-2006

filing window closed at 11:59 p.m. EST on Friday, February 18, 2005.

Program rules require us to hold your application pending final review of those applications that were filed within the filing window. We will post an announcement on the SLD section of the USAC web site at www.sl.universalservice.org once we determine if funding applications that were submitted within the application filing window will fully utilize all the funds available for this Funding Year.

For more information about the processing of 2005-2006 applications, about funding for applications filed after the close of the filing window or about plans for the 2006-2007 application process, please visit our web site or call the Client Service Bureau at 1-888-203-8100.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) e-mail address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
 - Appellant name,
 - Applicant name,
 - BEN,
 - Application number as assigned by the SLD,
 - Name of the letter and funding year (both are located at the top of the letter),AND
 - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.

4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by the SLD's decision. If you are a service provider, please provide a copy of your appeal to the applicant affected by the SLD's decision.

5. Provide an authorized signature on your letter of appeal.

To submit your appeal to the SLD by e-mail, use the "Submit a Question" feature on the web site. Click "continue," choose "Appeals" from the Topics Inquiry on the lower portion of your screen, and click "Go" to begin your appeal submission. The system will prompt you through the process. The SLD will automatically reply to incoming e-mails to confirm receipt.

To submit your appeal to the SLD by fax, fax your appeal to (973)599-6542.

To submit your appeal to the SLD on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our web site. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division
Universal Service Administrative Company